

BINGHAM MCCUTCHEN LLP
Peter Obstler (SBN 171623)
peter.obstler@bingham.com
Zachary J. Alinder (SBN 209009)
zachary.alinder@bingham.com
Three Embarcadero Center
San Francisco, CA 94111-4067
Telephone: 415.393.2000
Facsimile: 415.393.2286

Attorneys for Defendants
JPMorgan Chase Bank, N.A.
and Chase Bank USA, N.A.

KESSLER TOPAZ
MELTZER & CHECK, LLP
Joseph H. Meltzer
Edward W. Ciolko
Terence S. Ziegler
280 King of Prussia Road
Radnor, PA 19087
Telephone: 610.667.7706
Facsimile: 610.667.7056

Attorneys for Plaintiffs
Patricia McNeary-Calloway, Colin
MacKinnon, Terrie MacKinnon, Andrea
North, and Sheila M. Mayko
[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PATRICIA MCNEARY-CALLOWAY, COLIN
MACKINNON, TERRIE MACKINNON,
ANDREA NORTH, and SHEILA M. MAYKO,
individually and on behalf of all others similarly
situated,

Plaintiffs,
v.

JPMORGAN CHASE BANK, N.A. and CHASE
BANK USA, N.A.,

Defendants.

Case No. C 11-03058 JCS

**JOINT STIPULATION AND
[PROPOSED] ORDER TO STAY
CASE PENDING MEDIATION AND
TO SET TIME TO RESPOND TO
COMPLAINT**

Case No. C 11-03058 JCS

1 Defendants JPMorgan Chase Bank, N.A. and Chase Bank USA, N.A. (“Chase” or
 2 “Defendants”) and Plaintiffs Patricia McNeary-Calloway, Colin MacKinnon, Terrie MacKinnon,
 3 Andrea North, and Sheila M. Mayko (“Plaintiffs”) (together with Defendants, the “Parties”)
 4 respectfully submit the following Joint Stipulation to Stay the Case Pending Mediation and Set
 5 Time to Respond to Complaint.

6 WHEREAS, the Court issued an order granting in part and denying in part Defendants’
 7 Motion to Dismiss Plaintiffs’ First Amended Complaint on March 26, 2012 (the “March 26,
 8 2012 Order”), ECF No. 62;

9 WHEREAS, pursuant to the Court’s March 26, 2012 Order, Plaintiffs had 30 days to file
 10 an amended complaint, but have decided to stand on their First Amended Complaint, as modified
 11 by the March 26, 2012 Order;

12 WHEREAS, the Parties have met and conferred regarding potential mediation of the
 13 dispute and an appropriate time for Defendants to respond to the operative Complaint;

14 WHEREAS, after conferring in good faith, the Parties have agreed, subject to court
 15 approval, that mediation prior to the further expenditure of additional time and resources of the
 16 Parties and the Court would be helpful in attempting to reach an early resolution of the Action;
 17 and,

18 WHEREAS, the Parties accordingly stipulate and agree that the case should be stayed
 19 pending private mediation, which the Parties agree will begin within 60 days of the date of entry
 20 of this Order, and that Defendants’ response date should be extended to 30 days following the
 21 termination of the mediation. Either Party or the selected private mediator may declare the
 22 mediation terminated by written correspondence of such declaration to the mediator and other
 23 Party.

24 **IT IS HEREBY STIPULATED AND AGREED, AND RESPECTFULLY**
 25 **REQUESTED, AS FOLLOWS:**

26 The case shall be stayed pending the Parties’ mediation. The Parties shall engage in
 27 mediation within 60 days of entry of this Order, or as otherwise set by the Court, in front of a
 28 mutually-acceptable mediator. If any Party and/or the selected mediator informs the Court that

the mediation was unsuccessful and terminated, Defendants shall respond to Plaintiffs' First Amended Complaint, as modified by the March 12, 2012 Order, within 30 days after the filing of such a termination notice with the Court.

IT IS SO STIPULATED.

DATED: May 2, 2012

Respectfully submitted,

Bingham McCutchen LLP

By: /s/ Zachary J. Alinder

Peter Obstler

Zachary J. Alinder

Attorneys for Defendants

JPMorgan Chase Bank, N.A.

and Chase Bank USA, N.A.

DATED: May 2, 2012

By: /s/ Edward W. Ciolko

Edward W. Ciolko

Terence S. Ziegler

Donna Siegel Moffa

Amanda R. Trask

Ramzi Abadou

KESSLER TOPAZ MELTZER &

CHECK, LLP

Jeffrey J. Angelovich

Michael B. Angelovich

Brad E. Seidel

NIX PATTERSON & ROACH, LLP

James P. Gitkin

Eric T. Salpeter

SALPETER GITKIN, LLP

Brian D. Penny

GOLDMAN SCARLATO

KARON & PENNY, P.C.

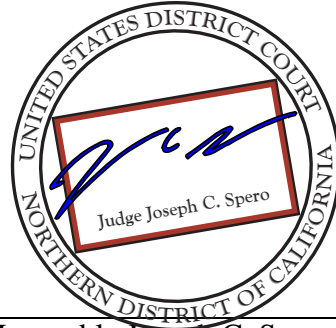
Attorneys for Plaintiffs

PATRICIA McNEARY-CALLOWAY, COLIN

MACKINNON, TERRIE MACKINNON, ANDREA

NORTH and SHEILA M. MAYKO

PURSUANT TO STIPULATION, IT IS SO ORDERED



Dated: 5/3/12

Honorable Joseph C. Spero
United States District Magistrate Judge

FILER'S ATTESTATION

Pursuant to General Order No. 45, § X(B), I, Zachary J. Alinder, attest under penalty of perjury that concurrence in the filing of the document has been obtained from all of the signatories.

Dated: May 2, 2012

/s/ Zachary J. Alinder
Zachary J. Alinder